



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,502	02/21/2001	Jussi Petri Myllymaki	ARC920000074US1.	6751

48146 7590 07/13/2005

MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,502

Applicant(s)

MYLLYMAKI, JUSSI PETRI

Examiner

Keith T. Ferguson

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2683

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2,6-8,11-14,16-19,26-29,31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. in view of Lehikoninen et al., newly recited reference.

Regarding claims 1,2,6-8,11-14,16,19,26-29,31-35, Srinivasan et al. discloses a system (fig. 2)/method (paragraph 0065 through paragraph 0076) for locating an alternate communication mechanism (information services)(data associated with a network) (paragraph 0038, paragraph 0039,

Art Unit: 2683

paragraph 0053 and paragraph 0059), comprising: a location tracker (computer system) (database) for continuously transmitting information to the wireless device for allowing a user to locate an alternate communication mechanism (paragraph 0039, paragraph 0053 and paragraph 0057). Srinivasan et al. further discloses a web server (i.e. internet), inherent to have textual information, audio information, and image information (fig. 30 number 32). Srinivasan et al. differs from claims 1,26,27,34 and 35 of the present invention in that it does not explicit disclose allowing a user to locating an alternate mechanism after a failure has occurred (i.e. a loss of wireless coverage). Lehtonen et al. teaches a system which allows a user to locate a remote server in case the mobile station can not communicate with a local information beacon (col. 7 line 65 through col. 8 line 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Srinivasan et al. with allowing a user to locating an alternate mechanism after a failure has occurred in order for the system to provide the wireless device an alternate way of receiving communication services when the wireless device is out of range of the pushed information services, as taught by Lehtonen et al..

Art Unit: 2683

Regarding claims 17 and 18, Srinivasan et al. discloses the wireless device of the user periodically outputs global positioning satellite (GPS) coordinates to said location tracker, said information being marked with a timestamp and stored in said location tracking database (paragraph 0045, paragraph 0051 through paragraph 0052, paragraph 0057 and paragraph 0074).

5. Claims 3 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. in view of Lehikonen et al. as applied to claims 1 and 27 above and in further view of Carley.

Regarding claims 3 and 30, the combination of Srinivasan et al. and Lehikonen et al. differs from claims 3 and 30 of the present invention in that they do not explicitly disclose a display, on said wireless device, for allowing the wireless device to display information that was received prior to the failure. Carley teaches system (fig. 1) comprising a display (fig. 1 number 110) on said wireless device (fig. 1 number 100), for allowing the wireless device to display information (911 from a list) that was received prior to the failure (emergency) (abstract and col. 1 line 64 through col. 2 line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Srinivasan et al. and Lehikonen et al. with a display, on said wireless device, for allowing the wireless device to display information that was received prior to the failure in order for the mobile station to know where a gas station is located when running low on fuel, as taught by Carley.

Art Unit: 2683

6. Claims 4,5,9,10 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. in view of Lehikonen et al. as applied to claims 1 and 16-19 above and in further view of Farris et al..

Regarding claims 4,9 and 20-25, the combination of Srinivasan et al. and Lehikonen et al. differs from claims 4,9,20-25 of the present invention in that they do not explicitly disclose said information includes directions to a nearest pay phone. Farris et al. teaches a system for said information includes directions to a nearest pay phone (col. 35 lines 15-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Srinivasan et al. and Lehikonen et al. with said information includes directions to a nearest pay phone in order for the system of the wireless device to be directed to a nearby pay phone to seek emergency assistance when assistance is needed, as taught by Farris et al..

Regarding claims 5 and 10, Srinivasan et al. discloses a web server, inherent to have textual information, audio information, and image information (fig. 30 number 32).

Response to Arguments

7. Applicant's arguments filed March 15, 2005 have been fully considered but they are not deemed to be persuasive. The following are explanations to the applicant arguments:

Argument: Applicant alleges that Srinisan do not disclose a failure of the wireless device.

Art Unit: 2683

Explanation: Examiner agrees with applicant. However, the limitation "a failure of a wireless device" is only recited in the preamble, and the preamble is not given patentability weight when examining the claim as a whole.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/788,502

Page 7

Art Unit: 2683

Keith Ferguson

Art Unit 2683

July 11, 2005

A handwritten signature in black ink, appearing to read "Keith F.", followed by a horizontal line.